

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
BUFFALO DIVISION

CYNTHIA AUGUSTYNIAK, DENISE )  
GIAMBRONE, & JULIE GLOVER, on )  
behalf of themselves and all others similarly )  
situated, )

Plaintiffs, )

LOWE'S HOME CENTERS, LLC; )  
LOWE'S HOME CENTERS, INC.; )  
LOWE'S COMPANIES, INC.; and )  
LOWE'S HIW, INC. )

Defendants. )

Case No. 1:14-cv-00488-RJA

**STIPULATION FOR DISMISSAL OF CLAIMS WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(10)(A)(ii), Federal Rules of Civil Procedure, Plaintiffs Julie Glover and the fifty-three opt-in Plaintiffs who filed consents to join this lawsuit,<sup>1</sup> and Defendants Lowe's Home Centers, LLC and Lowe's Home Centers, Inc., hereby stipulate and state as follows:

1. That the claims of Plaintiff Glover and of the fifty-three opt-in Plaintiffs be dismissed without prejudice;

2. That the statute of limitations for any overtime compensation claim under the Fair Labor Standards Act by Plaintiff Glover and the fifty-three opt-in Plaintiffs against Defendants shall be tolled for a period of sixty days from the date of the Order dismissing their claims without prejudice so that Plaintiff Glover and each of the fifty-three opt-in Plaintiffs may file, if he or she chooses, an individual claim in the appropriate forum;

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<sup>1</sup> The names of the fifty three opt-in Plaintiffs are attached as Exhibit "A."

3. That Plaintiff Glover and the fifty-three opt-in Plaintiffs agree and stipulate that after the date of this stipulation, any new lawsuit they file alleging overtime claims against Defendants shall be an individual action, and they will not seek to bring in any forum a new collective or class action, or join a collective or class action lawsuit, alleging overtime claims against Defendants under either federal or state law; and

4. That Defendants will not oppose Plaintiffs Augustyniak and Giambrone moving for leave to amend the complaint in this case to strike the class action allegations and sever or bifurcate their claims after an Order approving this dismissal.

Dated this 16<sup>th</sup> day of June, 2106.

HUNTON & WILLIAMS LLP

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(F/K/A/ FELDMAN MORGADO)

By: /s/ Juan C. Enjamio

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By: /s/ Mitchell L. Feldman

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*Attorneys for the Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 16, 2016, a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will forward an electronic Notice of this filing to all parties in interest.

/s/ Mitchell L. Feldman  
MITCHELL L. FELDMAN  
Florida Bar No. 0080349